

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ESTATE OF SANDRA VELA, et al.,
Plaintiffs,
v.
COUNTY OF MONTEREY, et al.,
Defendants.

Case No. [5:16-cv-02375-BLF](#) (HRL)

**INTERIM ORDER RE DISCOVERY
DISPUTE JOINT REPORT NO. 1**

Re: Dkt. No. 71

This is a suit for damages arising out of the suicide of Sandra Vela while incarcerated in the Monterey County jail.

In Discovery Dispute Joint Report #1 (“DDJR”), the plaintiffs complain that the County of Monterey defendants (“defendants” or “County”) have been dragging their feet on producing documents responsive to Requests for Production (“RFPs”) propounded to them in late December 2016, over five months ago. They also say they have not received the Electronically Stored Information (ESI) responsive to the list of search terms and named custodians they furnished to defendants in late January 2017.

Defendants say they are working on producing, but it is not clear that defendants agree with what plaintiffs say defendants agreed to turn over. Some things defendants objected to as either irrelevant or overbroad (or both). Defendants also say that producing ESI is hard because they switched to a different e-mail platform, and it could take months to get the information. (The

1 court notes that fact discovery closes on August 29, 2017, and defendant's projected time table to
2 ESI production is not workable unless the presiding judge extends the discovery deadline.) The
3 defendants deny foot-dragging.

4 Plaintiffs enclose with DDJR #1 their RFPs, but not the defendants' responses. They also
5 allude to certain agreements allegedly made in e-mails, but the court does not have the e-mails,
6 and defendants seem to disagree. Except in the most general way, the court does not know exactly
7 which RFPs are in dispute or who agreed to what.

8 Despite the requirements of this court's Standing Order Re: Civil Discovery Disputes
9 ("Standing Order"), there have been no face-to-face meetings between counsel to address the
10 discovery dispute. In fact, it appears there has been an exchange of e-mails and one, maybe two,
11 telephone calls, and that's it. That is not enough.

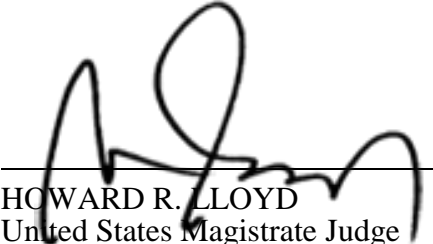
12 The court concludes that this discovery dispute is not yet ripe for decision. The parties are
13 ordered to meet and confer, as long and as often as is necessary, to thoroughly explore each area of
14 dispute and make a concerted effort to reach agreement.

15 Then, by 10:00 AM on June 9, 2017, the parties will file a Supplemental DDJR #1
16 advising whether or not they have resolved their dispute entirely. If they have, that ends the
17 matter. If they have not, they shall list any remaining issue or RFP in dispute and succinctly state
18 their positions on each.

19 If their Supplemental DDJR #1 lists unresolved issues, then at 10:00 AM on June 14, 2017
20 lead counsel Dan Stormer for plaintiffs and Michael R. Philippi for defendants, each accompanied
21 by anyone else whose presence is needed to fully explore resolution, shall appear before this court
22 IN PERSON and comply with paragraph 2.C. of the Standing Order. If they do not resolve it, the
23 court will hear argument and issue an appropriate order.

24 SO ORDERED.

25 Dated: June 1, 2017

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HOWARD R. LLOYD
United States Magistrate Judge

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5:16-cv-02375-BLF Notice has been electronically mailed to:

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